IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE GODA RAGHURAM**

**WRIT PETITION NO : 12243 of 2005**

Between:

1. J. Venkata Sarvaiah S/o. Kannaiah
   R/o. Narayanapuram (V), Ashwaraopet (M), Khammam District.
2. J. Babu Rao S/o. Venkata Sarvaiah
   R/o. Narayanapuram (V), Ashwaraopet (M), Khammam District.

**..... PETITIONERS**

AND

1 State of Andhra Pradesh , Rep. by its Principal Secretary, Irrigation Department, Secretariat, Hyderabad.
2 Executive Engineer, I & PD Special Division, Pedavagu Project, Ashwaraopet, Khammam District.
3 Assistant Engineer, I & PD Special Division, Pedavagu Project, Ashwaraopet,
Khammam District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in directing to stop cultivation of petitioner's land of Ac. 9.17 gts covered by Sy. No. 319/8, 319/9, 319/24 and 319/26 of Narayanapuram Village, Ashwaraopet Mandal alleging to be part of foreshore and water catchment area of Pedavagu Project, without acquiring the same and without paying compensation as per the provisions of Land Acquisition Act is illegal, irregular, without jurisdiction, arbitrary, unreasonable and offends Art. 14 19, 21 and 300-A of the Constitution of India and consequently direct the respondents not to interfere in any manner with their lands.

**Counsel for the Petitioners: MR.SATYANARAYANA NIMMAGADDA**

**Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.**

**The Court, at the stage of admission, made the following :**

**ORAL ORDER**

The petitioners are aggrieved that the respondents are without any authority of law interfering with the petitioners' agricultural operations in their lands in an extent of Ac.9.17 guntas in S.Y.Nos.319/8,319/9,319/24 and 319/26 of Narayanapuram village, Ashwaraopet Mandal,Khammam District. It would appear that earlier on a doubt as to whether the land was tank bund land, the matter was referred to the revenue authorities and the Mandal Revenue Officer, Ashwaraopet by his proceedings dated 03-12-1997 informed the 3rd respondent office that as per the revenue records and report of the Mandal Revenue Inspector, the petitioners herein are having patta lands in Sy.No.319/8,319/9,319/24 and 319/26 in an extent of Ac.9.17 guntas and that there is no objection for the said petitioners to cultivate the said land. Despite such clarification from the revenue authorities, the 3rd respondent have sent a luscar to the lands and the respondents are trying to interfere with their ownership and beneficent enjoyment of the land, is grievance in this writ petition.

If the respondents are interfering with the petitioners' land without lawful authority or title, petitioners have a remedy before the Civil Court of competent jurisdiction for declaratory or injunctive reliefs as advised. In view of availability of an alternative remedy, this Court is not inclined to interfere in this writ petition.

Accordingly, the writ petition is dismissed. However, the petitioners are at liberty to pursue their appropriate alternative remedy.

_____

**GODA RAGHURAM,J**

13TH JUNE 2005

**Note:**

Issue CC

tomorrow.

(B/O)

*TSNR

To

1. The Principal Secretary, Irrigation Department, Secretariat, Hyderabad.
2 The Executive Engineer, I & PD Special Division, Pedavagu Project, Ashwaraopet, Khammam District.
3 The Assistant Engineer, I & PD Special Division, Pedavagu Project, Ashwaraopet, Khammam District.

4. Two CCs to G.P for Irrigation and Command Area Development, High Court Buildings, Hyderabad.

5. Two C.D.Copies.